

1 John P. Aldrich  
2 Nevada Bar No. 6877  
3 ALDRICH LAW FIRM, LTD.  
4 1601 S. Rainbow Blvd., Suite 160  
5 Las Vegas, Nevada 89146  
6 (702) 853-5490  
7 (702) 227 – 1975  
8 [jaldrich@johnaldrichlawfirm.com](mailto:jaldrich@johnaldrichlawfirm.com);  
9 traci@johnaldrichlawfirm.com

6 Michael R. Konewko ARDC#3121878  
KONEWKO & ASSOCIATES, LTD.  
7 29W204 Roosevelt Road  
West Chicago, Illinois 60185  
8 630/231-5500  
630/231-5548 Fax  
9 Michael.Konewko@konewkoandassoc.com; ilihota@konewkoandassoc.com

10 | *Attorneys for Edward S. Halley and Flagship Express Airlines, Inc.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EDWARD S. HALLEY, individually; and  
FLAGSHIP EXPRESS AIRLINES, Inc., an  
Illinois Corporation,

Case No.: 2:17-CV-00507

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES  
(SECOND REQUEST )**

## Plaintiffs.

V.

WILLIAM ACOR, individually; RBY, INC.; a Nevada Corporation; VISION AIRLINES, INC.; a Nevada Corporation; and VISION AVIATION HOLDINGS, INC., a Nevada Corporation,

## Defendants.

22 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of  
23 record, hereby stipulate and request that this Court extend discovery in the above-captioned case  
24 ninety (90) days, up to and including May 14, 2018. In addition, the parties request that the rebuttal  
25 expert and dispositive motions and pretrial order deadlines be extended for an additional ninety (90)  
26 days as outlined herein. This is the second request to extend these deadlines; Defendants previously  
27 moved for and received a brief 20-day extension of the discovery deadlines.

1           In support of this Stipulation and Request, the parties state as follows:

2           1.       On February 20, 2017, this action was commenced by the filing of a Complaint in the  
3       United States District Court, District of Nevada.

4           2.       On April 27, 2017, Defendants Vision Airlines, Inc. and Vision Aviation Holdings,  
5       Inc. filed their Answer to Plaintiffs' Complaint and Counterclaim.

6           3.       On May 24, 2017, Plaintiffs/Counterdefendants Edward S. Halley and Flagship  
7       Express Airlines, Inc. filed their Answer to Counterclaim.

8           4.       On June 22, 2017, a Discovery Plan and Scheduling Order was issued.

9           5.       On July 18, 2017, Defendants RBY, Inc. and William Acor filed their Answer to  
10      Plaintiffs' Complaint and Counterclaim.

12          6.       On September 11, 2017, Plaintiffs served Interrogatories and Requests for Production  
13      of Documents on each of the Defendants. Defendants served their responses to Plaintiff on  
14      November 6, 2017.

15          7.       On November 22, 2017, Defendants filed a Motion to Amend Scheduling Order.  
16      That Motion only sought to extend the expert witness deadline and follow-on dates by 20 days. That  
17      Motion was granted by the Court on December 7, 2017.

19          8.       Plaintiffs assert that Defendants must supplement their discovery responses. On  
20      January 10, 2018, Plaintiffs' counsel sent detailed discovery dispute letters to Defendants' counsel  
21      asking that Defendants Vision Airlines, Inc. and Vision Aviation Holdings, Inc. supplement their  
22      discovery responses. The letter requesting that Defendant Vision Airlines, Inc. supplement its  
23      responses was 10 pages in length; the letter requesting that Defendant Vision Aviation Holdings, Inc.  
24      supplement its responses was 8 pages in length.

26          9.       On January 11, 2018, Plaintiffs' counsel sent detailed discovery dispute letters to  
27      Defendants' counsel asking that Defendants Acor and RBY, Inc. supplement their discovery  
28      responses. The letter requesting that Defendant Acor supplement his responses was 8 pages in

1 length; the letter requesting that Defendant RBY, Inc. supplement its responses was 9 pages in  
2 length.

3 10. Plaintiffs have included the rebuttal expert deadline in this request. Following their  
4 request to extend discovery deadlines, Defendants served their expert witness report on December  
5 12, 2017. Plaintiffs have not had sufficient time to retain an expert of their own for the following  
6 reasons: (1) the proximity of the holiday season with when Defendants' report was received by  
7 Plaintiffs (and the resulting scheduling issues with both Plaintiffs' counsel and any potential expert),  
8 (2) Plaintiffs' lead counsel's trial calendar required him to be in trial, with trial starting December  
9 19, 2017 and ending on December 26, 2017, (3) Plaintiffs' lead counsel had substantial post-trial  
10 briefing due on January 4, 2018 (related to a trial that occurred in October 2017), and (4) Plaintiffs'  
11 local counsel was engrossed in the substantial discovery dispute letters referenced above. While  
12 Defendants take no position as to Plaintiffs' stated reasons for the extension of the discovery  
13 deadlines, Defendants do not object to the extension of the rebuttal expert deadline as set forth  
14 herein and join in the request to extend the discovery cut off.  
15

## DISCOVERY REMAINING

18 The depositions of the Plaintiffs and Defendants need to be taken. Plaintiffs intend to  
19 subpoena several entities for records related to the claims in this case. Additionally, Plaintiffs have  
20 identified more than 35 witnesses and anticipate conducting the depositions of a dozen of those  
21 witnesses as well, which will include the FRCP 30(b)(6) witnesses of the corporate Defendants.

Defendants intend to propound written discovery to Plaintiffs and to depose at or near four witnesses.

25 // /

26 // /

27 // /

28

## **REASONS WHY DISCOVERY WAS NOT COMPLETED**

The parties require additional time to conduct discovery of the parties and depose all witnesses. The reasons why the discovery has not been completed are included in paragraphs 8-10 above.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

| <b>Scheduled Event</b>      | <b>Current Deadline</b> | <b>Proposed Deadline</b> |
|-----------------------------|-------------------------|--------------------------|
| Discovery Cut-off           | February 12, 2018       | May 14, 2018             |
| Rebuttal Expert Disclosures | January 12, 2018        | April 12, 2018           |
| Interim Status Report       | Completed               | March 12, 2018           |
| Dispositive Motions         | March 12, 2018          | June 12, 2018            |
| Joint Pretrial Order        | April 12, 2018          | July 12, 2018            |

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery in this case and adequately prepare their respective cases for trial.

This is the first request for extension of the deadlines addressed in this stipulation; the first request was by Defendants and related only to the expert witness deadline. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the additional extension.

111

111

1

1

1

111

111

1 WHEREFORE, the parties respectfully request that this Court extend the discovery period by  
2 ninety (90) days from the current deadlines as outlined in accordance with the table above.

3 DATED: January 12, 2018.

DATED: January 12, 2018.

4 **ALDRICH LAW FIRM, LTD.**

**HOGAN HULET PLLC**

5 /s/ John P. Aldrich

John P. Aldrich  
Nevada Bar No. 6877  
1601 S. Rainbow Blvd., Suite 160  
Las Vegas, Nevada 89146  
(702) 853-5490  
(702) 227-1975  
[jaldrich@johnaldrichlawfirm.com](mailto:jaldrich@johnaldrichlawfirm.com)

/s/ Kenneth E. Hogan

Kenneth E. Hogan  
Nevada Bar No. 10083  
E-mail: ken@h2legal.com  
Jeffrey L. Hulet  
Nevada Bar No. 10621  
E-mail: Jeff@h2legal.com  
1140 N Town Center Drive, Suite 300  
Las Vegas, Nevada 89113  
Tel: (702) 800-5482

10 Michael R. Konewko ARDC#3121878  
11 KONEWKO & ASSOCIATES, LTD.  
12 29W204 Roosevelt Road  
West Chicago, Illinois 60185  
630/231-5500  
630/231-5548 Fax

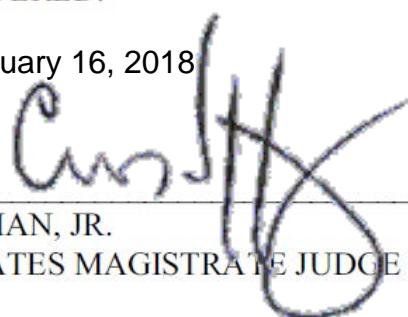
*Attorneys for Defendants*

14 *Attorneys for Plaintiffs*

16 **ORDER**

18 IT IS SO ORDERED.

19 DATED: January 16, 2018

20   
21 C.W. HOFFMAN, JR.  
22 UNITED STATES MAGISTRATE JUDGE

24

26

27

28